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LB 364

followed by Witek, Wesely, Bromm, Maurstad, Chambers, Vrtiska, Wehrbein and Brashear. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body. Senator Brashear is absolutely right and I support this amendment completely. I think it gets our statutory construct with respect to sentencing and serving time in line with what is reasonable, what is proper, that it balances the desire to punish with a reasonable expectation on the part of individuals that have committed crimes to know what time that they need to serve, what good time means, what in fact they have incurred upon themselves by committing crimes. Senator Brashear is correct in stating that people that commit crimes do need to be punished. Absolutely. There is no question about that. Society does need to be protected. I think that this amendment fully satisfies that. My point of view is that the categories that are set up under the Brashear amendment, both with respect to sentencing and with respect to good time, are reasonable. If you want to put people in jail forever, we can do that. We can attempt to jail burglars forever if we would like. The only barrier that there is that I know of is the cruel and unusual punishment clause of the United States Constitution, which I assume we would run into eventually. But we can certainly be tough on crime which I think we all would like to be at this point because there exists right now in society a great fear, I believe, of criminal activity, particularly violent criminal activity. I think that's reflected in the Brashear amendment. I think the Brashear amendment goes absolutely as not soft on crime. It reflects a reasonable approach that is actually tough on violent crime while allowing some leeway for the courts, for juries, for prosecutors, and I think it's where we need to end up on LB 364. I commend Senator Brashear for bringing this, and I would yield the rest of my time to Senator Brashear if he so desires.

SENATOR CROSBY: Senator Brashear, you have about two and a half minutes.

SENATOR BRASHEAR: Thank you, Senator Will. Madam Chairman, members of the body, I am going to speak as I have opportunity today and hope that it elicits questions and we can make this as clear as possible. I know how difficult it is for people to